

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY BEEDLE,

Plaintiff,

CIVIL ACTION NO. 05 CV 70430 DT

v.

DISTRICT JUDGE ARTHUR J. TARNOW

DR. DEMASI, DR. DOANE, DR. CRAIG HUTCHINSON, CORRECTIONAL
MEDICAL SERVICES, DEBRA KRUG,
G. ROBERT COTTON CORRECTIONAL
FACILITY HEALTH CARE,

Defendants.

_____ /

ORDER DENYING MOTION FOR SERVICE BY U.S. MARSHAL

This matter comes before the court on Plaintiff's Request That the Court Direct Service on Defendants, Dr. Craig Hutchinson and Dr. Rocho DeMasi be Effectuated by a United States Marshal filed April 11, 2005. Plaintiff asserts that he has unsuccessfully attempted to serve these defendant on several occasions.

In a separate Report and Recommendation, the court concluded that plaintiff failed to state a claim on which relief may be granted against Dr. Hutchinson. Accordingly, the court recommended that the complaint be dismissed with prejudice as to him. Thus, plaintiff's motion for an order directing the Marshal to effect service is moot as to Dr. Hutchinson.

With regard to Dr. DeMasi, as plaintiff correctly notes in his motion, he is not proceeding *in forma pauperis* in this matter and, therefore, he is not entitled to have the U.S. Marshal effect service upon the defendants. Rather, it is plaintiff's responsibility to do so. Accordingly, IT IS ORDERED that the motion is **DENIED** as to Dr. DeMasi.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: June 3, 2005

Proof of Service

The undersigned certifies that a copy of the foregoing report and recommendation was served on the parties and attorneys of record by electronic means or U.S. Mail on June 3, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan